IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.4484/1997.

Prem Chand & Others. **VERSUS** State of Raj. & Ors.

14.11.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Y.C.Sharma]
Ms.Pankaj Soni] for the petitioners.
Mr.B.K.Sharma, Deputy Government Advocate.

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In the writ petition, the petitioners have challenged the acquisition of the land in dispute. The Notification in this behalf was issued in the year 1991 under Section 4 and thereafter the Notification under Section 6 was issued in the year 1993.

It appears that originally there was a dispute as to whether the Notifications comply with the requirement of Section 11 and Section 11A of the Land Acquisition Act. However, that controversy is not relevant in the present matter, as the petitioners are subsequent purchasers of the land from the original khatedar and as per the averments made in para 2 of the writ petition, the petitioners entered into an agreement with the original khatedar on 17.08.1996. Thus, whatever rights the petitioners have in the land, the original khatedar not having challenged the acquisition proceedings, the petitioners who are alleged to be subsequent purchasers cannot claim any better right, title or interest by purchasing the land after the acquisition proceedings had commenced and even the award having been passed in

the year 1995, the petitioners, in my opinion, cannot be permitted to challenge the acquisition proceedings on the basis of an alleged agreement to sell entered with the khatedar after commencement of the acquisition proceedings in 1991.

Consequently, the writ petition is dismissed. The stay application also stands dismissed.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.